City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
AND RECOMMENDATION TO THE SUPERINTENDENT OF SEATTLE CITY LIGHT

Application Number: 2203302

Applicant Name: Gary Abrahams for T-Mobile Wireless

Address of Proposal: 3200 SW Admiral Way

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a minor communication utility (T-Mobile). The proposed minor communication utility would consist of three (3) panel antennas located atop a Seattle City Light Utility Pole within the right-of-way. An associated one hundred-fifty square foot electrical equipment cabinet is proposed to be located on private property under SDOT authority.

The following Master User Permit components are required:

- **Siting Recommendation to Superintendent of Seattle City Light –** Chapter 23.57.10-C2
- **SEPA - Environmental Determination** – Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The site is located at 3200 SW Admiral Way in the public right-of-way in West Seattle. The proposed utility pole is to be located in the right of way north of the subject site in the Single Family (SF 5000) zone. The mechanical equipment is proposed to be located in a fully landscaped lease area just north of the subject utility pole and will have a 6 foot high solid wood fence. The lease area is being treated as if it is a right-of-way regulated by SMC 15.32 (see Ordinance CO 29063) and therefore, approval will require a Street Use permit from SDOT. No Administrative Use permit will be required from DPD. Zoning and use in the area is predominantly residential in character. The site is designated an Environmentally Critical Area because of Steep Slope and New Landfill. Although, the site itself is relatively flat, the topography of the surrounding area is characterized by rolling hills.

Proposal Description

The applicant proposes a Minor Communications Utility facility consisting of three (3) panel antennas to be mounted, with a shroud, to a new 55'-2" high, laminated wood pole. The new utility pole would be brown to resemble the other utility poles in the area. The associated electronic equipment cabinet will be located at ground level on Seattle Transportation property approximately 20 feet to the north of the utility pole. The connecting cables to the external antennas will be buried underground and concealed by way of a "cable cover" attached to the utility pole. The width of the pole including the "cable cover" is proposed to be 2'-1 ½" by 1'-4 ¼". The "cable cover" conduit housing would be attached to the pole in order to house the four (4) – four (4") inch PVC conduits which house the antenna cables and two (2) – two (2) inch power conduits, for a total of six (6) conduit wires to be run through the said housing. The new wood laminated utility pole would replace the existing utility pole at the same location. The height of the existing utility pole to be replaced is forty-three (43') feet. The height of the new wood laminated utility pole would be 63'-1", measured to the top of the antenna shroud. The size of the proposed equipment cabinet area is approximately one-hundred fifty (150) sq. ft. and would be placed in the Seattle Transportation right of way area approximately twenty (20) feet north of the utility pole. The coax conduits will be run underground to the proposed location of the pole.

Comments

One comment letter was received during the comment period that ended on September 26, 2002.

ANALYSIS - SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT

The Street and Sidewalk Use Chapter of the Seattle Municipal Code allows Class II Special Attachments (minor communication utilities) to be placed on utility poles owned by Seattle City Light that are located on public rights of way. Class II Special Attachments are specifically regulated by SMC Section 15.32.300. This Section allows for minor communication utilities, or other Class II Special Attachments, to extend above the electrical facilities (wires) on top of an

existing pole, or the replacement of an existing pole to achieve adequate height for the applicant's purposes. Section 15.32.300 further requires that all costs of such replacements be borne by the communications provider, and that the visual impacts of minor communication utilities and other Class II Special Attachments shall be reduced to a degree acceptable to the Superintendent of City Light.

Where a request for Class II attachment is made, and the proposed location is on either an arterial or a non-arterial street located within a Single Family (SF 5000) zone, the applicant shall apply to DPD and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an Administrative Conditional Use (ACU) permit. The DPD recommendation shall be advisory to the Superintendent of City Light. The specific ACU criteria can be found in SMC Section 23.57.010-C2. The criteria to be considered in the recommendation from DPD, are as follows:

a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The proposal includes a laminated wood utility pole to be located in the SW Admiral Way right-of-way and associated mechanical equipment to be located within street right-of-way. The area is predominately residential and zoned Single Family 5000 and Single Family 7200. The area of the pole location and mechanical equipment is zoned Single Family (SF 5000). The height of the utility pole, to the top of the shroud, would be 63'1" and would replace an existing 43' 5" tall utility pole. The antennas would be mounted within a shroud and painted to match the color of the existing wood poles in the area. All conduits (cables) would be concealed within an attached "cable cover" attached to the proposed laminated wood pole. The pole is proposed to have an area of 2'-1 ½" x 1'-4 ¼", which includes the cable cover attached to the pole. At the base of the proposed pole a conduit routing housing (approx. 1.5' x 1.5') is attached, measuring approximately three (3) feet in height at the highest point and one (1) foot in height at its lowest point. The housing height decreases as it moves away from the pole. This housing allows for the required conduits to be routed from the ground into the attached cable cover.

The applicant stated in the original submittal of the Administrative Conditional Use (ACU) application zoning analysis document, "…the visual impact is minimal and has been mitigated to the greatest extent possible. "Wireless systems are expanded or introduced in a given area to improve service to customers. This can be done in two ways; extending the coverage to new areas or increasing the capacity of the system within the current service area. T-Mobile's system does both. Once the decision has been made to expand and improve service, RF engineers prepare a preliminary design analysis. Terrain data within the service area is entered into a computer, along with a series of variables, such as proposed antenna height, population density, available radio frequencies and wireless equipment characteristics. From this information the T-Mobile's RF engineers determine an area for the optimum location and height of the antenna to maximize coverage with the cell.

"As the previous submitted "before" plot indicates, existing coverage at this location and surrounding area is poor. The proposed site will provide much needed additional call capacity as well as improved in-building coverage penetration for the surrounding area. The specific location (or position) of the proposed site has been selected to maximize capacity and coverage/penetration while minimizing the antenna height requirement. Significant deviation from this location will result in reduced effectiveness, including possible invalidation of the site candidate altogether. As for the required antenna height, the specified centerline is the minimum acceptable to provide the needed capacity and coverage/penetration with respect to that from neighboring cell sites. Lower antenna height will result in reduced effectiveness, again including possible invalidation of the candidate. In some cases, an increases antenna height is possible which can allow some greater flexibility in location placement. However, too much antenna height is unacceptable as it creates interference conditions to areas beyond the intended coverage footprint of the proposed site. This interference causes degraded performance of on or more other existing cell sites in the T-Mobile network."

"With the entire search ring area being zoned Single-family, it was felt inappropriate to construct a new monopole in a single family area. In addition, there were no viable institutional buildings or willing landlords in the area. The best alternative and the least intrusive location were to attach the antennas to an existing City of Seattle City Light utility pole. T-Mobile was willing to construct a wood laminated pole or metal pole; with climbing peg for utility workers; painted brown to match the other utility poles in the area. By using this type of pole, all wiring from the ground equipment to the antennas could be concealed inside the pole to reduce visual impact. Previous City light policy would have required T-Mobile to use a more intrusive facility by replacing the existing wood pole with a new wood pole and attach 4-4" PCV conduits for antenna cables and 2-1 ½ " PCV conduits for power and telephone to the pole and paint them to match the pole. In addition, with our proposal the antennas will be designed into a shield at the top of the pole and painted to match the pole to minimize the visual clutter on the pole."

"To provide for the least intrusive facility in a single family neighborhood, the antenna cables, electric, and phone lines from the ground equipment to the SCL pole will be located in a landscaped-fenced area. In addition, this location is an isolated large city owned parcel on a major arterial. The West Seattle Neighborhood has recommended that the location of the SCL poles and associated equipment will not have any visual impact on single family homes in the area."

"In addition, this pole was chosen because of the tall trees adjacent to the pole. They form a backdrop for the pole to reduce the visual impact. The increased height is also not out of character due to the height of the adjacent trees, plus no views are blocked."

In summary, the proposed pole and associated equipment is the least intrusive facility at the least intrusive location consistent with effectively providing service.

b. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

The only provision contained with SMC Section 23.57.016 that applies to the proposal is subsection J. However, even that subsection applies only to freestanding transmission towers.

c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

i. the antenna is at least one hundred feet (100') from a MIO boundary; and
ii. the antenna is substantially screened from the surrounding neighborhood's view.

The proposed site is not located within a Major Institution Overlay, therefore this provision is not applicable.

d. If the minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following: (i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and (ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.

The proposed antennas will be on a laminated wood utility pole. The proposed minor communication facility would be 63'-1" feet high (not including the attached lightning rod) and exceeds the thirty (30') feet height limit of this Single Family zone. At 63'-1" in height, the proposed laminated utility pole would cause no view blockage and shadow impacts in the area because of the height and bulk of the proposed pole. As stated earlier, the trees in close proximity to the proposed pole provide some mitigating relief from the shadow and view impacts.

The original proposal and plan sets showed a pole height of 73'-1", but after the requested corrections were addressed, the plans were revised to lower the height to 63'-1". It is clear that the antennas would function at an acceptable coverage level at the original 56'-1" height, but due to design problems, the revised pole is proposed to be 63'-1" in height, which is the minimum necessary for the proper functioning of the utility, since this is the minimum height that SCL will approve. As stated by the proponent in the original ACU zoning analysis document, "As for the required antenna height, the specified center line° is the minimum acceptable to provide the needed coverage with respect to that from neighboring cell sites."

Seattle City Light (SCL) has specific construction guidelines (Standard # D2-1.2) for separation requirements from power lines. The voltage (approximately 26,000 volts or 26kv) of the subject pole lines and conductors requires a 7'-1" separation from all antennas and attachments (including bracing brackets for antenna mounting). The application proposes a 7'-1" conductor to antenna bracing bracket separation which is required per Seattle City Light guidelines. The brackets which are required to brace the proposed antenna panels are 3'-11" in length. The total separation from the pole wires and conductors to the bottom of the antenna is 12'-7" as is shown per plan. The antennas are a proposed length of 6', as the total separation from the power lines and conductors to the top of the antenna shroud is proposed at 19'-1".

e. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

This section does not apply.

f. If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.

This section does not apply.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated August 7th, 2002. Information in the checklist was supplemented by the other materials. The information in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) states, in part, "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited. A discussion of likely adverse impacts and how they may be appropriately mitigated follows below.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant pursuant to SMC 25.05.794. Noise related the replacement of the pole, re-guiding of power lines, and other related construction noise will have an adverse affect on the surrounding residential area and proper conditioning related to allowable construction hours is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies. Other long-term impacts include: height, bulk and scale impacts to the surrounding residential areas and exposure to electromagnetic emission. These long term impacts are not considered significant.

Land Use

The Seattle Land Use Code and the Street Use Code specifically contemplate and regulate the location of minor communication facilities. The administrative conditional use criteria found in SMC 23.57 adequately mitigates potential adverse impacts of siting telecommunication antennas where they could be permitted in Single Family Zones whether a proposal requires the ACU for location on private property or requires a siting review and recommendation to the Superintendent of City Light. Therefore, the proposal does not warrant conditioning pursuant to the SEPA Land Use Policy 25.05.675 J.

Environmental Health

The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

Summary

In conclusion, while there may be several adverse effects on the environment resulting from the proposed development, they would be minor in scope and would be appropriately regulated by existing codes and ordinances, short term construction impacts not withstanding.

SITING RECOMMENDATION TO SUPERINTENDENT OF SEATTLE CITY LIGHT

Based on the above analysis the Director of the Department of Planning and Development recommends to the Superintendent of Seattle City Light to **approve** the application to install a minor communication utility on Seattle City Light pole in the public right-of-way in a residential zone.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

None.

Signature: (signature on file) Date: July 8, 2004

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Land Use Services

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